

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

February 24, 2014

AGENDA

BOARD OF SELECTMEN

MONDAY, FEBRUARY 24, 2014

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

MINUTES

Approval of the following:

Monday, February 10, 2014 – Regular and Executive Session

APPOINTMENTS & HEARINGS

- 6:30 Public Comment
- 6:40 Horsley Witten, Inc. – Affordable Housing Feasibility Study
- 7:00 Cape Cod Commission – General and 208 Update
- 7:15 Public Hearing – New Annual, All Alcohol Restaurant Application on
Markantonis Group, Inc., d/b/a Estia

COMMUNICATIONS & CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- May 5, 2014 Special & Annual Town Meeting Warrant Review – Draft #2
- Fiscal Year 2015 Budget Review
- Ratification of Police Agreement – Units A & B
- Execution of Inter-Municipal Agreement:

Town of Mashpee and Mashpee Water District

- Recommendation for Appointment – Conservation Commission
- Position Vacancy Request – Library/Circulation Assistant
- Request for Approval – Verizon/Pole Placement on Asher's Path East

ADDITIONAL TOPICS

(This space is reserve for topics that the Chairman did not reasonably anticipate would be discussed.)

LIAISON REPORTS

EXECUTIVE SESSION

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Present: Selectman Cahalane, Selectman Richardson, Selectman O'Hara,
Selectman Taylor, Selectman Sherman
Town Manager Joyce Mason
Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.
Waquoit Meeting Room, Mashpee Town Hall

MINUTES:

Monday, February 10, 2014 Regular and Executive Session:

Motion made by Selectman Sherman to approve the Regular and Executive Session minutes of Monday, February 10, 2014 as presented.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

APPOINTMENTS & HEARINGS:

Public Comment: None at this time.

COMMUNICATIONS & CORRESPONDENCE:

Wellness Conference:

It was announced that a wellness conference relative to Preventing and Treating Drug Abuse is planned on Tuesday, March 4, 2014 at the Mashpee High School. Representative Randy Hunt and Michael Jackman a staff member from Representative Keating's Office are expected to attend discussions relative to the increasing drug problem on Cape Cod. The event is being sponsored by Mashpee Cares and the Mashpee High School Project Purple.

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NEW BUSINESS:

May 5, 2014 Special & Annual Town Meeting Warrant Review – Draft #2:

The Board of Selectmen received Draft #2 of the Special and Annual Town Meeting warrant of Monday, May 5,

2014. There were no additional comments or requests to hold any particular articles. It was agreed the Selectmen would take their final position and vote on the articles at the March 10th meeting, a joint convention with the Finance Committee.

Fiscal Year 2015 Budget Review:

Joyce Mason, Town Manager remitted her budget recommendations to the Board of Selectmen for fiscal year 2015. It was determined the budget would be reviewed in full at the next scheduled meeting.

Ratification of Police Agreement – Units A & B:

The Board of Selectmen reviewed the final terms of the Agreement between the Town and Police Units A & B for the period July 1, 2014 through June 30, 2017. The Agreement for each Union includes one annual random drug test within a fiscal year. The new Random Drug Testing Policy was presented to the Selectmen for additional review.

Motion made by Selectman Taylor to approve and ratify the Memorandum of Agreements between the Town and Police Association; Units A & B subject to the Random Drug Testing Policy.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

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NEW BUSINESS:

Execution of Inter-Municipal Agreement: Town of Mashpee and Mashpee Water District:

The Board of Selectmen reviewed the Agreement between the Town and Water District authorizing the Assessors to act as District Assessors and the Tax Collector of the Town of Mashpee to act as District Tax Collector for a three-year period commencing on July 1, 2013 through June 30, 2016, provided the duties and responsibilities are not expanded anytime during this period by the creation of the Water/Sewer District, and the Town is willing to provide such services pursuant to the terms.

The District compensates \$25,000 to the Town for said services on an annual basis.

Motion made by Selectman Taylor to execute the Inter-Municipal Agreement between the Town of Mashpee and Mashpee Water District as presented.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Recommendation for Appointment – Conservation Commission:

Correspondence was received from Andrew McManus; Conservation Agent dated January 30, 2014 recommending the appointment of Dale McKay to the Conservation Commission. A letter of interest from Mr. McKay was attached for additional review.

Motion made by Selectman Taylor to appoint Dale McKay to the Conservation Commission as recommended.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

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NEW BUSINESS:

Position Vacancy Request – Library/Circulation Assistant:

The Board reviewed the Position Vacancy Request for Circulation Assistant to the Mashpee Library. The date of the vacancy is February 24, 2014.

Motion made by Selectman Taylor to approve the Position Vacancy Request for advertisement for the position of Circulation Assistant at Step 1 of the intended pay scale as referenced.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Position Vacancy Request – Library Office Manager:

Kathleen Mahoney, Librarian submitted a Position Vacancy Request to the Selectmen for approval for the position of Library Office Manager to replace Janet Trask who is retiring. The date of the vacancy is March 25, 2014.

Motion made by Selectman Taylor to approve the Position Vacancy Request for advertisement for the position of Library Office Manager at Step 1 of the intended pay scale.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

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Request for Approval – Verizon/Pole Placement on Asher’s Path East:

A hearing was held on February 19, 2014 to review the request of Verizon and NSTAR to place a pole on Asher’s Path East. The petition is necessary to provide additional support to the existing pole line. At the hearing, it was recommended by the Assistant Town Manager that prior to commencement of the project, the Mashpee Department of Public Works be aware of the installation project, and that a curb cut permit be filed with the DPW.

Motion made by Selectman Richardson to approve the request of Verizon and NSTAR Electric, Petition #2013-03 for placement of (1) new pole #282-1 ½ on Asher’s Path East, Mashpee with the condition to notify and file a curb cut with the Mashpee DPW as recommended.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O’Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

LIAISON REPORTS:

Cape Selectmen’s Meeting: Several Selectmen members attended the Selectmen’s breakfast meeting earlier this month. The main topic focused on methods to improve attendance at town meetings. This matter appears to be a Cape-wide issue.

Mashpee TV: Currently, Selectmen Sherman, Richardson and Taylor are working on a series of episodes entitled *There is Something about Mashpee* which will soon be airing on Mashpee TV. The areas of focus will showcase Town Departments, the benefits of Town Meeting, and other attributes relative to the Town of Mashpee. The new program is intended for informational purposes only.

Prescription Drug Disposal Program: The prescription drug disposal program being offered by the Town is moving forward favorably. The drug kiosk located at the Mashpee Police Station is emptied of unwanted pharmaceuticals on a daily basis.

As a public informational notice, the Board indicated that drugs should not be flushed into existing septic systems. Presently, the most effective manner of disposal is the use the kiosk at the police department.

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APPOINTMENTS & HEARINGS:

Horsley Witten, Inc. – Affordable Housing Feasibility Study:

Through grant funding, the Town was able to employ the services of the Horsley Witten Group in Sandwich to conduct a feasibility study at 209 Old Barnstable Road, Mashpee.

The study at the Town-owned 3.8 acre site was a recommendation of the Mashpee Affordable Housing Committee for the development of future affordable housing.

Brian Kuchar of Horsley & Witten was in attendance to discuss the feasibility study and preliminary schematic of the undeveloped site located at the intersection of Old Barnstable Road and Lowell Roads.

Two conceptual schematic plans for 24- two bedroom affordable housing units with associated parking, on-site wastewater treatment systems were presented to visualize the site layout.

It was disclosed the site is mapped and listed in the Massachusetts Natural Heritage and Endangered Species Program (NHESP) as a priority habitat of rare species, the Eastern Box Turtle. Therefore, a conservation restriction (CR) to preserve the habitat would be required if the parcel were to be developed. For every one acre of disturbance, 1.5 acres would be required to be preserved at a site similar to the habitat of the Eastern Box Turtle. This would equate to a vegetated area encompassing 5.7 acres suitable for this generalist species. It was suggested the Town consult the NHESP to review the site itself for the presence of the turtle habitat.

Minimizing disturbance to the existing vegetation and clustering the development is an option to minimize the impacts to the Eastern Box Turtle habitat.

Possibilities for development include 24 two bedroom units, four units in each building located around a central parking area, 48 spaces per unit. The additional scenario depicted by Horsley & Witten included one large 24 two bedroom unit, a complex with a centralized parking area for 48 spaces with increased open space areas.

Walter Abbott, Chair of the Mashpee Affordable Housing Committee recommended the Town consider twenty to thirty units at the site location. As a concession to the required land for the turtle habitat, Mr. Abbott suggested utilizing the land off Route 130 near the fenced in area adjacent to the military base. It has noted that this site location will be the future location of the Mashpee Dog Park.

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Horsley Witten, Inc. – Affordable Housing Feasibility Study: (continued)

Several residents residing in the area commented briefly on the proposal. Joseph Marcus of Miller Circle was in attendance on behalf of the Quashnet Valley homeowners association. Mr. Marcus indicated that he has a few questions regarding access and traffic patterns. Due to the preliminary aspect of the project it seemed a premature discussion at this time. It was noted the Affordable Housing is scheduled to meet on Tuesday, February 25th at 6:30 p.m. to further review this matter. Residents having concern are invited to attend.

Berkeley Johnson, a member of the Affordable Housing Committee made a few suggestions regarding the size of the proposed units. Mr. Johnson suggested a configuration of 3 bedrooms or perhaps a mix of one to three bedrooms.

The Town Manager recommended the Board take this matter under advisement at this time. With a recommendation from the Affordable Housing Committee, further options would be defined. It was disclosed that a public hearing would be scheduled to obtain public input.

Cape Cod Commission – General and 208 Update:

The Board of Selectmen met with Paul Niedzwiecki, Executive Director of the Cape Cod Commission to update

the Board on the Section 208 an Area-Wide Water Quality Management Plan and other general matters. Mr. Niedzwiecki gave an overview of the 208 regional process which is an update of the 1978 plan adopted by the Clean Water Act to meet the guidelines of TMDL's and water quality.

The review process involving 170+ stakeholders began in July with informational sharing of baseline conditions and impairments, scenario planning, and the review of technical options. The regional approach would maximize benefits of previous planning and affordable and alternate strategies. A brief discussion followed with regards to stimulating the commercial tax rate and local economy to gain funding. The financial and regulatory goals include working with state and federal partners for regulatory flexibility and funding to support capital costs. The next scheduled meeting is Tuesday, February 25th at the Mashpee Town Hall.

Mr. Niedzwiecki explained that the Cape is unique as 2/3rds of the watersheds are shared. There is a need for municipal cooperation in implementing the scenario planning. The draft is expected to be ready by June 1st. Following the release of the draft, there is a 120 day comment period. The final plan is projected to be available in January of 2015.

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APPOINTMENTS & HEARINGS:

Cape Cod Commission – General and 208 Update:

In other matters, Mr. Niedzwiecki brought up the matter of the Cape Cod Commission and the recent anti-commission viewpoint. It was noted that several Cape towns, including the Town of Mashpee have warrant articles proposed to release their membership from the Cape Cod Commission.

An article submitted by petition on the Mashpee Town Meeting warrant poses the following question on the next election ballot "Shall the Town of Mashpee petition the General Court of the Commonwealth of asking that the Town of Mashpee be released from membership in and removed from the authority of the Cape Cod Commission and the Cape Cod Commission Act."

Mr. Niedzwiecki discussed the attributes of the CCC during his six year tenure. Of the 55 Development of Regional Impacts (DRI's), two have been denied. Mashpee was noted to have received \$2.1 million in mitigation funds from the Cape Cod Commission. With the enactment of the CCC in 1990 Mashpee has paid an average of \$14 per household annually. The current rate is \$18 per year for commission services. Mr. Niedzwiecki noted that this has been a good value for the town as services include professional and technical assistance.

Mr. Niedzwiecki indicated the CCC is currently updating the Regional Policy Plan. He recommended the Town participate and craft the document as a stakeholder.

It was disclosed the petition article as presented on the May Warrant was not initiated nor sponsored by the Town of Mashpee.

Selectman O'Hara indicated that he was prompted to file the petition based on the outrageous mitigation for the Bridges at Mashpee project, an assisted living, memory care facility planned at the corner of Old Barnstable Road and Route 151.

For a relatively small project, there appears to be a lot of process. The CCC has required the developer to contribute \$108,000 in traffic mitigation, \$22,500 to the Mashpee Historical Commission and \$23,000 as "fair share" to the nitrogen impact program. There are fifty-four units to be situated on the twenty-four acre parcel. Four units are required to be classified as affordable, and at the site, 19 acres is designated as green space.

Selectman O'Hara indicated with all these requirements, the Town of Mashpee is fortunate the developer has decided to remain with the project.

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APPOINTMENTS & HEARINGS:

Cape Cod Commission – General and 208 Update: (continued)

In response to the comments made by Selectman O'Hara, Mr. Niedzwieki indicated that 15 acres of green space was required to be set aside to meet the mitigation, and the traffic mitigation fee is equal to contributions made by developers in other Cape towns. It was noted that all mitigation funds collected by the CCC are returned to their respective towns.

In debating this matter, Mr. Niedzwieki invited Selectman O'Hara to become a stakeholder to make changes to the Regional Policy Plan.

In closing, Selectman O'Hara stated that it is important to keep businesses in town for future generations.

APPOINTMENTS & HEARINGS:

Public Hearing – New Annual All Alcohol Restaurant Application on Markantonis Group, Inc., d/b/a Estia:

The Board of Selectmen opened the Public Hearing on the application of Markantonis Group, Inc., d/b/a Estia, Nicholas S. Markantonis, Manager for a new Annual, All Alcohol Restaurant License at 26 Steeple Street, Mashpee.

The Hearing notice was read aloud into the record. Nicholas S. Markantonis, Manager was in attendance with his counsel Kenneth Leitner to discuss the project proposal with members of the Board of Selectmen. Catherine Markantonis, licensee was also present.

Mr. Leitner presented the required abutters notification to the Board of Selectmen. All other necessary paperwork was in order for the Board's approval.

Mr. Markantonis indicated that he resides in the Town of Mashpee and plans to lease space in Mashpee Commons to open a Greek Restaurant. Mr. Markantonis has experience as he has owned a similar restaurant in Belmont, MA. A unique offering to the restaurant will be a coal fired pizza oven. With necessary approvals, the business is scheduled to open in May.

Being no comment, the Board motioned to close the Public Hearing.

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APPOINTMENTS & HEARINGS:

Public Hearing – New Annual All Alcohol Restaurant Application on Markantonis Group, Inc., d/b/a Estia:(continued)

Motion made by Selectman Taylor to close the Public Hearing.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Motion made by Selectman Taylor to approve the application of Markantonis Group, Inc., d/b/a Estia, Nicholas S. Markantonis, Manager for a new Annual, All Alcohol Restaurant License at 26 Steeple Street, Mashpee.

Motion seconded by Selectman Richardson.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Adjournment:

Motion made by Selectman Taylor to adjourn at 7:52 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Richardson, yes
Selectman O'Hara, yes	Selectman Taylor, yes
Selectman Sherman, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen